

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KENNETH J. PHELAN

Plaintiff,

-v.-

Civil Action No.
9:11-cv-315 (GLS/TWD)

CHRISTINA CALABRESE and JOHN DOE

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

KENNETH J. PHELAN
09-A-1183
Five Points Correctional Facility
Caller Box 119
Romulus, New York 14541

FOR THE DEFENDANTS:

Albany County Attorney's Office
112 State Street, 10th Floor
Albany, New York 12207

THOMAS MARCELLE, ESQ.
ADAM G. GIANGRECO, ESQ.

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Therese Wiley Dancks, duly filed February 13, 2013. Following ten days from the service thereof, the Clerk

has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Therese Wiley Dancks filed February 13, 2013 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that Defendants' motion for summary judgment (Dkt. No. 51) is GRANTED, and it is further

ORDERED, the Clerk is directed to close this case; and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: March 20, 2013
Albany, New York


Gary L. Sharp
Chief Judge
U.S. District Court